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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 U.S. EQUAL EMPLOYMENT
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 vs.

16 TESLA, INC.,

17 Defendant.

Case No. 3:23-cv-04984-JSC

**DECLARATION OF JESSICA QUON-VAILI
IN SUPPORT OF DEFENDANT TESLA,
INC.'S MOTION TO STAY ALL
PROCEEDINGS IN LIGHT OF LONG-
RUNNING, CURRENTLY PENDING AND
VIRTUALLY IDENTICAL STATE COURT
LITIGATION**

Hearing Date: February 1, 2024

Time: 10:00 AM

Judge: Hon. Jacqueline Scott Corley

Courtroom: 8

Complaint Filed: September 28, 2023

*[Defendant's Notice of Motion and Motion;
Declarations of Sara A. Begley, Thomas E.
Hill, and Tiffany Hart; Request for Judicial
Notice; Exhibits in Support of Motion; and
Proposed Order, All Filed Concurrently
Herewith]*

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DECLARATION OF JESSICA QUON-VAILI

I, Jessica Quon-Vaili, declare as follows:

1. I am an Associate Paralegal Manager in the Employment Litigation department at Tesla, Inc. (“Tesla”). I am familiar with the administrative proceedings before the United States Equal Opportunity Commission (“EEOC”) involving Tesla that were the precursor to the above-captioned lawsuit. In my capacity as an employment litigation paralegal at Tesla, I was involved in the review of information requests made by EEOC in that administrative matter and in the course of the EEOC’s investigation of Tesla, as well as with Tesla’s collection of information relevant to those requests. I have personal knowledge of the matters set forth herein, except where otherwise stated, and I could and would testify competently thereto, if called upon to do so. I submit this declaration in support of Tesla’s motion to stay all proceedings in the above-captioned matter.

2. On May 28, 2019, the EEOC filed a Commissioner’s Charge against Tesla alleging a company-wide hostile work environment and retaliation against Black employees at Tesla’s auto manufacturing plant in Fremont, California since 2015 (EEOC Charge No. 555-2019-01273, hereinafter the “Administrative Proceeding”).

3. EEOC issued its initial “requests for information” (“RFIs”) to Tesla in the Administrative Proceeding in January 2020. These initial RFIs sought information relating to Tesla’s relationship with staffing agencies, Tesla’s categories of employee titles and positions, its fair employment policies, its systems, policies, and procedures for investigating discrimination complaints, and the names of all Black employees at the Fremont plant. A true and correct copy of EEOC’s first set of RFIs is attached to Tesla’s concurrently filed Exhibits in Support of Motion to Stay All Proceedings (“Exhibits”) as **Exhibit J**.

4. Tesla responded to EEOC’s first set of RFIs in February 2020.

5. After Tesla response to EEOC’s first set of RFIs, EEOC did not further engage Tesla in its investigation until it issued a second set of RFIs in December 2020.

6. EEOC’s second set of RFIs included requests that expressly referenced documents that Tesla had provided the California Department of Fair Employment and Housing (“DFEH”) in the course of DFEH’s parallel and duplicative investigation of alleged racial harassment and

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1 discrimination at the Fremont facility. Tesla had provided these documents to DFEH more than one
2 year prior to receiving EEOC's requests for the same documents.

3 7. EEOC's second set of RFIs again covered high-level topics such as Tesla's policies,
4 procedures, and employee training for handling discrimination complaints, and the organization of
5 Tesla's Human Resources ("HR") and Employee Relations ("ER") departments. A true and correct
6 copy of EEOC's second set of RFIs is attached to the Exhibits as **Exhibit K**.

7 8. Tesla answered EEOC's second set of RFIs by March 2021.

8 9. In April 2021, Tesla further responded to EEOC's RFIs by providing EEOC with
9 personnel files and contact information for Tesla employees who had made discrimination complaints
10 against Tesla.

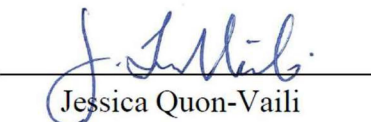
11 10. From April 2021 until March 2022, EEOC did not engage in any substantive
12 communications with Tesla regarding its investigation.

13 11. During that same time period, Tesla managers received notice from certain employees
14 that EEOC had contacted Tesla employees requesting that they fill out an online survey regarding
15 their experience at Tesla. EEOC never informed Tesla of this survey or discussed the survey or its
16 results with Tesla in any way.

17 12. To my knowledge and the knowledge of others within the legal department at Tesla,
18 neither EEOC or DFEH ever visited the Fremont plant at any time during their dual investigations of
19 Tesla. Nor did these agencies speak to any Tesla managers, executives, or members of the HR or ER
20 teams regarding their investigations.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct.

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24 Executed on December 13, 2023, at Palo Alto, California

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27 Jessica Quon-Vaili
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